

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

VOITH PAPER GMBH & CO. KG	:	
	:	Civil Action No. 07-226-JJF
Plaintiff,	:	
	:	
v.	:	
	:	
JOHNSONFOILS, INC.	:	
Defendant.	:	

**DEFENDANT JOHNSONFOILS, INC.'S MOTION TO STRIKE DECLARATION
OF MICHAEL H. WALLER IN SUPPORT OF PLAINTIFF'S OPENING
MARKMAN BRIEF OR IN THE ALTERNATIVE FOR AN ORDER DIRECTING
MICHAEL H. WALLER TO APPEAR AT THE JANUARY 30, 2008 MARKMAN
HEARING TO ALLOW DEFENDANT AN OPPORTUNITY TO CROSS-EXAMINE**

JohnsonFoilS, Inc., by and through its attorneys, respectfully move this Court for an Order striking the declaration of Michael H. Waller filed in support of Plaintiff's Opening Markman Brief, or in the alternative, for an Order directing Michael H. Waller to appear at the January 30, 2008 Markman Hearing to allow Defendant the opportunity to cross-examine. Support for this Motion is fully set forth in JohnsonFoilS' accompanying opening brief and the referenced exhibits.

Respectfully submitted,
Seitz, Van Ogtrop & Green, P.A.

/s/ Patricia P. McGonigle

Dated: January 24, 2008

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*Attorneys for Defendant
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RULE 7.1.1 STATEMENT

Pursuant to 7.1.1 of the Local Rules of the United States District Court for the District of Delaware, I hereby certify that counsel for JohnsonFoils, Inc. ("JohnsonFoils") has made a reasonable effort to reach agreement with counsel for Voith Paper GmbH & Co. KG ("Voith Paper") on the matters set forth in JohnsonFoils, Inc.'s Motion to Strike Declaration of Michael H. Waller In Support of Plaintiff Voith Paper GMBH & Co. KG's Opening Markman Brief or in the Alternative for an Order Directing Michael H. Waller to Appear at the January 30, 2008 Markman Hearing to Allow Defendant JohnsonFoils, Inc. Opportunity to Cross-Examine, and that the parties have not been able to reach agreement.

Seitz, Van Ogtrop & Green, P.A.

/s/ Patricia P. McGonigle

Date: January 24, 2008

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CERTIFICATE OF SERVICE

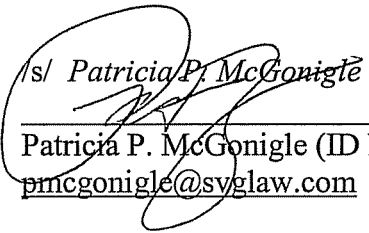
I, Patricia P. McGonigle, Esquire, hereby certify that on this 24th day of January 2008, I electronically filed the foregoing pleading with the Clerk of Court using CM/ECF which will send notification of such filing to counsel of record. Further, I caused a copy of the foregoing pleading to be served upon the following counsel as noted

Via Hand Delivery

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JOHNSONFOILS, INC.	:	
	:	
Defendant.	:	

NOTICE OF MOTION

PLEASE TAKE NOTICE that Defendant, JohnsonFoils, Inc. ("JohnsonFoils"), will present its "Motion to Strike Declaration of Michael H. Waller In Support of Plaintiff Voith Paper GMBH & Co. KG's Opening Markman Brief or in the Alternative for an Order Directing Michael H. Waller to Appear at the January 30, 2008 Markman Hearing to Allow Defendant JohnsonFoils, Inc. Opportunity to Cross-Examine" to the Court on January ___, 2008 at a time that is convenient to the Court.

PLEASE TAKE FURTHER NOTICE that Defendant is seeking an expedited hearing on this motion.

Seitz, Van Ogtrop & Green, P.A.

/s/ Patricia P. McGonigle

Date: January 24, 2008

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